

N<sup>o</sup> 3

ORIGINAL PAPERS

PUBLISHED AT DIFFERENT TIMES

IN THE

Leicester Herald,

INTENDED TO ELUCIDATE

THE EXTRAORDINARY PROSECUTION, TRIAL,  
AND SENTENCE OF

R. PHILLIPS,

PRINTER OF THAT PAPER, AND BOOKSELLER IN LEICESTER,

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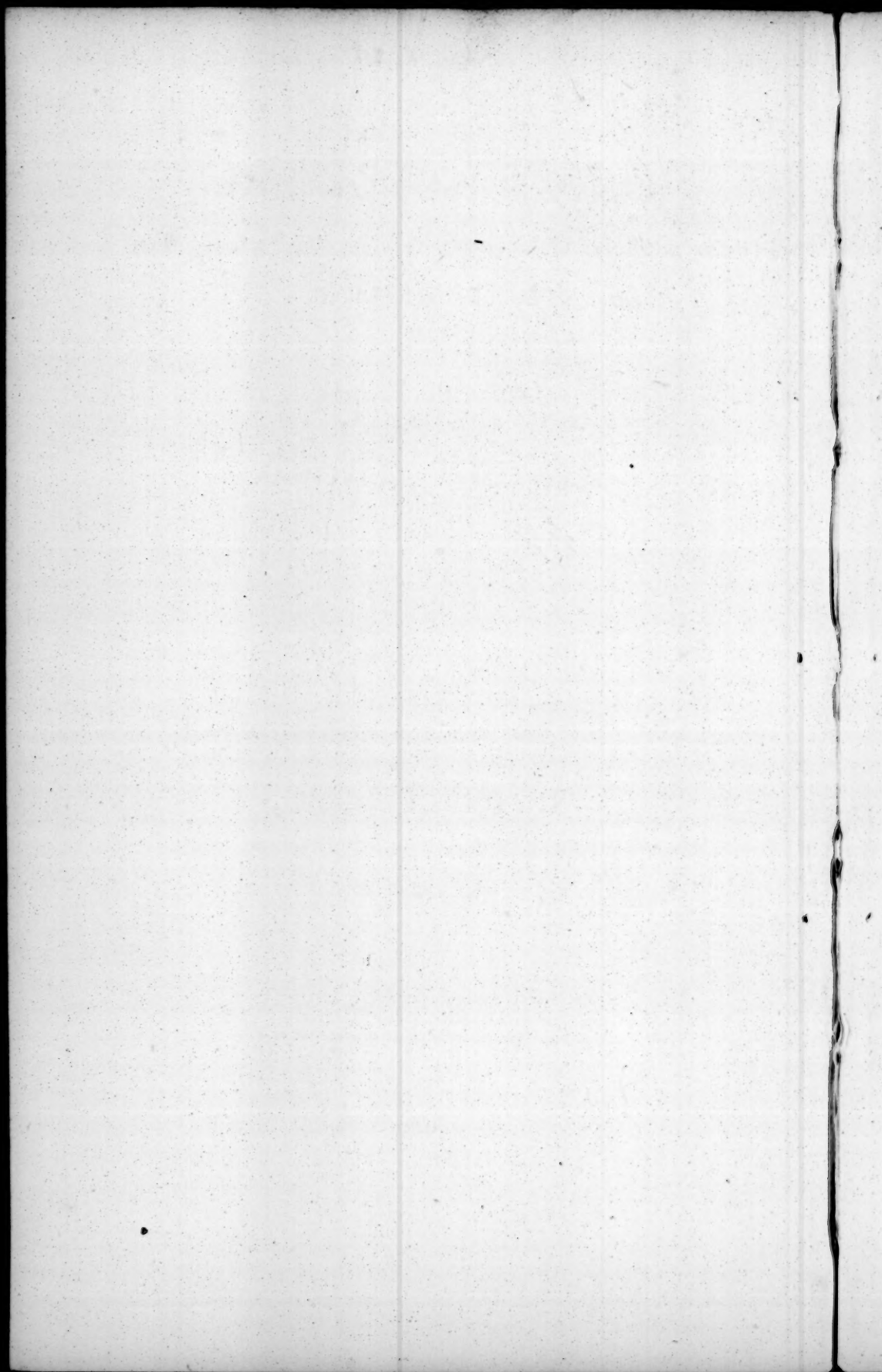
" SHALL TRUTH BE SILENT, BECAUSE FOLLY FROWNS? "

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LEICESTER GAOL.

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OCTOBER 1793.



## TO THE READER.

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THE following Papers will convey together a distinct Notion of the Prosecution, Trial, and Sentence of Mr. Phillips. Their Re-Publication is preferred to the Publication of any more regular Account, because the Facts were notorious, and undisputed at the Times those Papers were written, and consequently no Doubt can be entertained of their Authenticity.

In this Place, it may be worthy of remark, that the Edition of Paine's Book, for which Mr. Phillips was prosecuted, did not contain any of the libellous Passages for which Mr. Paine, the Author, had been prosecuted. It was supposed that every objectionable Passage had been exhibited in Mr. Paine's Indictment, consequently, when those Passages, quoted as libellous in his Prosecution, were expunged, the Book was considered as free from any further censure.— However, for selling the Book, in this *purified*, State, even thirteen Days before the Conviction of the original Work, Mr. Phillips has been sentenced to Eighteen Months Imprisonment.

It is thought proper to refer the Reader to the following Dates, as necessary to correct all the Circumstances in the Order of Narrative: The Book for which Mr. Phillips was prosecuted, was sold at his Shop, by his Shopman, on the Sixth of December, 1792; Mr. Paine's Trial, as the Author, came on the Nineteenth of December following, when the

## TO THE READER.

Book was first legally declared a Libel; Mr. Phillips was indicted for felling, on the *Sixth* of December, at the Quarter Sessions, on the 18th of January; on the 12th of April, he underwent his *Trial*, and, on the Morning of the 13th, received the Sentence of the Leicester Borough Court.

## JUDGES OF THE COURT.

*Edmund Wigley*, the Recorder.  
*Joseph Burbage*, the Mayor, Brush-Maker.  
*John Eames*, Barber, Broker, and Dealer in Cheese.  
*Henry Watchorn*, formerly Hosier.  
*Joseph Neale*, Woolforter.

## THE JURY.

William Walker, Woolforter.	John Moore, sen. Hosier.
Samuel Markland, Hosier.	William Proudman, Hosier.
William Dickens, Hosier.	William Tomifman Simpson, Hosier.
John Brewin, Tanner.	James Valentine, Hosier.
Richard Stephens, Comber.	John Philip Perry, Wine-Merchant.
John Bafs Oliver, Gentleman.	Edward Swan, Currier.

N. B. The Jury, as usual, were solemnly sworn to give a Verdict according to the Evidence..

*William Heyrick*, the Clerk of the Court, employed the Informer.

*John Heyrick*, Deputy Bailiff, William's Father, nominated the Jury.

A Cobler, employed by W. Heyrick, was the Informer, and the only Evidence.

ORIGINAL



# ORIGINAL PAPERS

PUBLISHED AT DIFFERENT TIMES,

IN THE LEICESTER HERALD.

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*The following is Part of an Address to the Public, inserted in December before the Persecution was known, or the Indictments preferred, and will of Course explain the unbiassed Political Sentiments of Mr. PHILLIPS.*

SATURDAY, DECEMBER 15, 1792.

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THE present Situation of political Affairs demands an explicit avowal of **POLITICAL SENTIMENTS**; and although the **EDITOR** of the **LEICESTER HERALD** is convinced that the Sentiments of an Individual are of little Weight, yet as his Enemies, by various *Misrepresentations*, have given a Consequence to his Station, as Conductor of a Newspaper, he feels it to be his Duty to avow, in the most unequivocal and solemn Manner, his **ATTACHMENT** to the **BRITISH CONSTITUTION**, as ratified and established at the Revolution of 1688.—Convinced, at the same Time, that many great and good Men have often lamented, and do continue to lament, the Deviations which have been made, by the Lapse of Time, from the original Purity of that Constitution, he candidly avows himself to be of their Opinion who think a **REFORM** in **PARLIAMENT** a Measure of absolute *Necessity*.—Abjuring all Sentiments hostile to the *Form* of our Constitution, he freely declares, that the Principles on which the **LEICESTER HERALD** will be conducted, must necessarily have  
a tendency

a tendency to support the Wise and Temperate, yet *firm*, Measures now pursuing to attain the great and expedient Object—a *Reform* in the *Representation* of the People. If this Avowal of his Sentiments be obnoxious, he will cheerfully submit to the Calumny of his Enemies.—If in these Sentiments he errs, he will take Comfort from the Reflection, that the Error is not of the Heart, for what can it profit him? Nor of the Head, because he finds himself supported in it by Men whose Political Abilities claim Admiration, while their Independence of Situation places them above all sinister Views.”

“ To this Declaration, the Editor has only to add, that, in the whole Conduct of the Paper, he is determined to abide by the strictest Principles of MODERATION and IMPARTIALITY. In collecting and arranging the Mass of Facts, which to Posterity will constitute History, he hopes the Attainment of *Truth and Accuracy* will be his chief Object. If, upon the Revision of the past Labours of the *Leicester Herald*, his Adversaries had had any past Cause of Objection, he is persuaded they would have brought it forward in an open Manner; but, as their Opposition has been *secret, unmanly and selfish*, he is content to appeal to that *Tribunal*, where only he has an Interest to *please*, and to the Decisions of which he will be at all Times ready to *submit*.”

*On Friday the 18th of January, 1793, three Bills of Indictment were found at the Borough Sessions; and Mr. PHILLIPS was taken by a Warrant before the Justices, and compelled to give Bail for his Appearance at the following Sessions, to the Amount of TWELVE HUNDRED POUNDS.—In the Herald of the succeeding Morning appeared the following concise Statements of Facts.*

SATURDAY, JANUARY 19, 1793.

**I**N Addition to the numerous Prosecutions now pending, under the Direction of Government, the Printer of the Leicester Herald has been selected as the Object of Prosecution, in this County.

At the Sessions for this Borough held Yesterday, Three Separate Bills of Indictment were found against him for selling The Jockey Club, and two of the Publications of Paine. The first has not yet been found to be a Libel, and is at this Time upon Sale, in the Shop of every respectable Bookfeller in the three Kingdoms; of the two last he has not sold a Single Copy, since, nor for some Time previous to the late Verdict against Paine.

By what Maxim is the Printer of the Leicester Herald to regulate his Conduct as a Bookfeller? Who is to determine, for him, whether this or that Publication is, or is not, a Libel? Retail Bookfellers look for responsibility to Authors, and their immediate Publishers, and if these are not prosecuted, as in the present Instance, and the Prosecution made public, how is any Bookfeller to carry on his Trade? Surely individual Bookfellers, — few of whom are Book-Readers, are not to be made the Literary Arbiters of the Opinions of Mankind. Such a supposition is absurd; and no Man can suppose, with the smallest Shadow of Equity, that a Retailer is culpable, till the Principal is found Guilty. How far therefore, on Principles of Common Justice and Common Sense,

Sense, is the Printer of the Leicester Herald accountable, in his Capacity as a Bookfeller, for selling Publications, which no Man in the Country at the Time he sold them, had a right to pronounce Libels?

Here let it be clearly understood, that every Publication of Paine's was to be had upon Application at the Shop of every Bookfeller in this County, at the Time they were sold by the Printer of this Paper. Why then is he to be the Subject of a Prosecution, while the equal Offence of all his Brethren is overlooked?

The Printer of the Leicester Herald feels Comfort in the Reflection, that his Cause is the Cause of all independent Bookfellers; and on general Principles, the Cause of Liberty, and of the dearest Right of Englishmen, the LIBERTY of the PRESS.—With this Idea he takes Leave of the Public for this Time, and rests his Case upon the Candour and Impartiality of his Fellow-Townsmen; whose generous Patronage of all his Undertakings, he is proud to declare, have far exceeded his Merit and Expectations; and upon whose Equity, when they sit as Judges in his Cause, he has perfect Reliance.



*The Week preceding his Trial, Mr. Phillips laid before the Public a full Statement of the Circumstances under which he had been prosecuted, and this Paper alone is sufficient to exonerate him from every Charge of Criminality, by exhibiting every Fact CORRECTLY, and IMPARTIALLY. The Arguments are invincible, the Language convincing and dispassionate.*

SATURDAY, APRIL 6, 1793.

**H**OWEVER painful it may be to the Editor of this Paper to obtrude the Case of an Individual upon his Readers, he hopes the Peculiarity of his present Situation, as an Object of Prosecution, in a Cause not altogether undeserving of public Attention, will exculpate him from the Imputation of Vanity or Presumption in this Address.

In January last, the Editor laid before his Readers a brief Statement of the Particulars relative to his Case; his only Object, at that Time, being to obviate the Misrepresentations of interested or malevolent Persons, and to satisfy his Friends, that his Error could arise from no Turpitude of Design, but that in the Sale of Paine's and other political Publications, he had proceeded *altogether* in the usual Course of Business, similar, *in all Respects*, to the Practice of every other Bookfeller in Leicester, and every other Bookfeller throughout the Kingdom.

It is by no Means the Intention of Mr. Phillips to dictate an Opinion on this Subject to the Public, still less by this Address to interest the Feelings, or prejudge the Sentence of a Court of Justice:—Such an Attempt, he is well aware, would defeat its own Object.

As a peaceable Member of the Community, and a Tradesman, he has an unquestionable Claim to lay before the Public a full and impartial State of his Case; he is not destitute



of Friends, who have long honoured him with their Patronage, and whose favourable Opinion he highly values; and he feels, in common with other Men, the most anxious Concern for REPUTATION, without which, Life would be but a Nuisance to its Holder. This Reputation he cannot but endeavour to vindicate with his Friends and the numerous Readers of the Leicester Herald.

It is a Fact not controverted, but admitted, that the Editor of this Paper, in his Capacity of Bookseller, sold in the Course of the last Year, Paine's, as well as most other political Publications. While these Works were universally current with the Trade, and might be procured in the usual Way, from the Wholesale Booksellers and Publishers in London, Mr. Phillips had no Reason to suppose that any Degree of Criminality could attach to the Conduct of an insignificant Retailer in a Country Town; especially as he was sanctioned by the Practice of every other Bookseller in Leicester.

No Circumstances, particular in their Nature, attended his going through this Department of his Business,—he sold the Publications of all Parties, indifferently;—Burke's Reflections were vended as an Antidote to Paine's Rights of Man—and the Answer to the Jockey Club might, at any Time, be purchased with the Jockey Club itself. The Scheme of a Pamphlet-Room, for literary and political Publications, where every new Work might be had upon Application, united Persons of all Parties in their Patronage; and Mr. Phillips feels a sensible Pleasure in declaring, that his Plan has been generally sanctioned by the Nobility and Gentry of Leicestershire, and the adjoining Counties. This Circumstance is mentioned, in this Place, because it has been urged by some, that Mr. Phillips sold more of Paine's Works than the other Booksellers in Leicester; and his Shop has, on that Account, been misrepresented as the Fountain-Head of Seditious Politics; this  
scandalous

scandalous Aspersions is effectually done away, by stating, that he sold Burke's Pamphlets *in a similar Proportion*; as it has been, and ever will be, his honest Ambition to carry on his Business with Energy and Spirit. No Inference of Criminality, therefore, can be deduced from the Circumstance of Mr. Phillips selling a larger Number of Paine's Works than the other Book-sellers in Leicester, as he sold them at the ACCUSTOMED PRICES, and conformably to the Practice of the Rest of the Trade.

A Prosecution instituted against a RETAIL COUNTRY BOOKSELLER, for selling Pamphlets of obnoxious political Tendency, BEING A CASE ABSOLUTELY UNPRECEDENTED IN THE ANNALS OF ENGLISH JURISPRUDENCE, Mr. Phillips felt no personal Alarm from the violent Collision of Parties in the political Polemics of the Day: till the Author and Publisher of the Books, in Question, were publicly convicted in a Court of Justice, he concluded himself to be wholly out of Danger. He admits, it is out of his Power to determine what Publications are, or are not libellous; for of the vast Number of Books that pass through his Hands, in the Course of his Business, he seldom peruses more than their Title Pages. How can an illiterate Bookseller be supposed qualified to decide on Points, in which the most sagacious and learned Lawyers are known to differ? It was not for Mr. Phillips to arrogate to himself (at any precise Point of Time) the Prerogative of declaring what Sort of Books the Inhabitants of Leicestershire ought or ought not to read; he therefore had no Rule of Conduct to proceed by, unless the manifest Conviction of the original Publisher; and, in this Opinion, he is, and has been, very generally sanctioned by the Opinions of the great Body of his Friends and Customers, to the Superiority of whose Judgment he is glad, on this and every other Occasion, to give the Homage of respectful Deference.

It will be objected, that political Pamphlets, of seditious Tendency, were prohibited by the Royal Proclamation; this, however, could not legally, or in Conscience, operate on the Conduct of Mr. Phillips, as the Proclamation neither specified the Names of the Authors, nor the obnoxious Tenets contained in such Publications; besides, the political Pamphlets, current at the Time, were uncommonly numerous, and Paine's Works then, and a long Time after, were published, and on Sale, with all the Bookfellers in Town and Country. His Majesty's Proclamation could, therefore, in no Shape apply to the Case of Mr. Phillips, as from not specifying the *particular Works* reputed to be of dangerous Tendency, and not putting a Stop to the Wholesale Circulation in the Metropolis, a Trade was left open to him, which he could not reasonably avoid, and a Prosecution on this Ground must NECESSARILY AND ABSOLUTELY operate as an EX POST FACTO LAW—than which, nothing is more obnoxious to the Feelings of Englishmen.

Not Conscious of the Violation of any *known* Law, he continued his Sale, without apprehension of Danger, till a few Days *before* Paine's Trial came on; and then, on the cautious Intimation of a Friend, he absolutely discontinued the Sale, every Copy being intentionally removed out of his Shop—and notwithstanding earnest and repeated Solicitations to the contrary, he tenaciously persevered in his Resolution not to sell any more. He positively asserts, and *defies any one to prove the contrary*, that after the Issue of Paine's Trial on the 18th of December was Matter of Notoriety, not a single Copy was vended at his Shop!

It appears, however, that an Information had been laid against Mr. Phillips, at least TWELVE Days before the Trial of Paine, on the 6th of December preceding; and, in Consequence, three Indictments were prepared in London, and  
presented,

presented, and found by the Grand Jury at the Borough Sessions on the 18th of January ensuing. Bail was given in at the Time, on the several Indictments, and Mr. Phillips must plead to them at the Sessions on Friday next, the 12th Instant, when the final Issue of the Business is expected.

Having thus stated, in full, the Particulars of his Case, such as may enable every candid Person to decide on the Propriety of Mr. Phillips's Conduct, he makes no scruple to look forward to that favourable decision in the Public Mind, which he cannot but think he has Reason to expect. He wishes to rest his Cause finally with the Humanity of the Court, and he hopes the Sentence itself will speak in Extenuation of his Error; Mr. Phillips, however, feels a stronger Tie upon his Conduct than the Sentence of any Court of Justice, he means the GREAT TRIBUNAL OF THE PUBLIC. Before this Tribunal, he wishes to stand or fall, and if not acquitted here, he desires no Mitigation of criminal Penalties.

As a Tradesman, Mr. Phillips has, on every Occasion, (as it is no harm to endeavour well) ambitiously courted the Character of a Man of Business; this Character is to him of higher Value than any other honours the World has to bestow. Since Mr. Phillips first solicited the Patronage of the Inhabitants of Leicestershire in this Capacity, he has uniformly experienced such a Flow of Public Favour as calls for his warmest Expressions of Gratitude; and to the Service of this Public, as far as his small Ability extends, he declares himself entirely devoted. In the Conduct of the Leicester Herald, it has been his fervent Wish to support the Cause of Truth and Constitutional Liberty, and to steer clearly between the Animosities of contending Parties. If he has not succeeded to his Wish, his want of Success perhaps may rather be ascribed to the singular Complexion of the Times, than to any wilful Deviation



tion from Rectitude of Principle. The Leicester Herald has been, and is, conducted on the GENUINE PRINCIPLES of the BRITISH CONSTITUTION, as established at the Revolution, and holding out, as essential to its very Existence, a Government by KING, LORDS and COMMONS. To avoid the endless Conflicts of Party, the Editor seldom indulges in Speculations, or political Opinions; a Part of his Paper is, however, open to the literary Communications of all Parties; and, in his Selection of News, his Object is to narrate plain, unadorned Facts, leaving out Comments of every Kind whatever.

Whatever may be the Issue of the pending Prosecution, Mr. Phillips relies on the Continuance of the kind and extensive Patronage he has hitherto been honoured with, and which it has been his earnest solicitude to Endeavour to deserve; at this Time he takes Leave of his Friends with every Acknowledgment of Gratitude for their past Services, and he trusts this Friendship will not abate in an Hour of Difficulty and Danger.



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**TRIAL OF THE PRINTER OF THIS PAPER.**

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FRIDAY EVENING, APRIL 12, Eleven o'Clock.

**T**HE Printer of this Paper has just Time to inform his Readers, that he has this Day undergone his Trial for the Three Indictments laid against him at the last Sessions for the Borough of Leicester.—Of the **FIRST INDICTMENT**, for selling Paine's Rights of Man, Part Second, on the simple Evidence of **SELLING** on the Sixth of December, he was found *Guilty*; but recommended to the Mercy and Candour of the Court.—Of the **SECOND INDICTMENT**, for selling the Jockey Club, Part Second and Third, he was, in a very special Verdict, found *Guilty of selling Part Second*; and for the **Third Part**, he was acquitted.—Upon the **THIRD INDICTMENT**, for the Letter to the Addressers, he was acquitted on a Defect in the Evidence.

To-morrow (Saturday) Morning, at Ten o'Clock, Judgment is to be passed, and Affidavits on the Part of the Defendant, in Extenuation, are to be presented to the Court.

The Whole of the Trial lasted about Twelve Hours, with a very crowded Audience. The Speeches of the Council, and every Particular of the Proceedings, shall be fully stated in the Paper of next Week.

For the Particulars of his Case, not one Tittle of which was disproved in the Course of the Trial, the Editor respectfully, and with much Deference, refers his Friends and the Public to the Herald of last Week.

No Challenges were admitted to the Jury.

Counsel for the Prosecution.

Mr. PERCIVAL,  
Mr. VAUGHAN.

For the Defendant.

Mr. DAYREL.

LEICESTER-GAOL, April 20, 1793.

WHEN the Editor of this Paper, in the Herald of last Week, gave his Readers a Sketch of the Particulars of his Trial, he little expected to date his next Address to the Public from the solitary Dungeon of a Prison ! He could never suppose, that, for simply vending an individual Copy of the second Part of the Rights of Man, at least twelve Days before the Issue of Paine's Trial was known, and vending it too at a Time when it was universally current with every other Person in the Trade, he should be selected as the ONLY RETAIL BOOKSELLER IN THE KINGDOM judged worthy of Confinement to the Horrors of Imprisonment ! Considering the recent Acquittals at Derby and Warwick, in Cases perfectly similar, how could he, or any of his Friends, entertain the Idea of a Sentence being passed on him, of EIGHTEEN MONTHS IMPRISONMENT ? Yet such, in Fact, was the Sentence pronounced upon him by Mr. Wigley, the Recorder, and the Justices of this Borough, on Saturday Morning last.

Let Men of Candour and Impartiality calmly weigh the Merits of his Case, and COMPARE HIS CRIME WITH HIS PUNISHMENT ; and Mr. Phillips cannot but indulge a solacing Hope, that the Tear of Sympathy will be let fall by every one not destitute of the common Feelings of Humanity !—Mr. Phillips is not afraid to come forward on this Occasion, and assert, that *no Instance of a similar Nature exists upon Record*.—Even the original Printers and Publishers of these obnoxious Pamphlets have had a milder Sentence passed upon them.—NEVER, NEVER, was it known before, in the voluminous Annals of English Cases and Precedents, that the slightest Imprisonment, or pecuniary Mulct, of any Kind, has been adjudged to, or imposed upon, a retail Country Bookseller, for professionally going through a common Department of his Business,

Business, with no Circumstances that distinguished his Practice from that of another Bookseller. A Case so unprecedented, Mr. Phillips humbly hopes, will attract the Notice, and fix the Attention, of every honest, humane, and unbiassed Englishman.

The only Evidence called upon to prove the Facts contained in the three Indictments was James Jackson, a Journeyman Shoemaker, who stated, that he was employed to purchase these Books, on Account of the Prosecution, by the particular Direction of William Heyrick, the Town-Clerk. He acknowledged, that he purchased the Books of Mr. Phillips's Shopman—readily admitting, at the same Time, that he believed they might be had at any of the other Booksellers' Shops; but his Orders were to apply for them at Mr. Phillips's.—This is, in Fact, the Substance of the Evidence on which the Foreman of the Jury pronounced GUILTY, with a Recommendation to the Candour and Mercy of the Court. On Account of Prejudices, arising from Party Politics, in local Jurisdictions, it was recommended to Mr. Phillips, by his Counsel, and indeed his Friends in general, to take Advantage of that most INESTIMABLE PRIVILEGE (sacred to Englishmen) OF CHALLENGING HIS JURY.—This Right was claimed and asserted, on the Part of Mr. Phillips, but peremptorily objected to, by the Counsel for the Prosecution; and, after much Altercation, it was at Length ordered, by the Court, that the Jury should be accepted, and sworn in, in the same Order as they were at first nominated.

In the Course of the learned and interesting Pleadings, in this Cause, little Stress was laid upon what is called THE NEW LAW OF LIBELS, as laid down in Mr. Fox's celebrated Act, and through which TWO FAVOURABLE VERDICTS were given, in the Course of last Week: Mr. Phillips's Counsel did not insist upon the Doctrines contained in this New Law, in the

Manner which was expected, and desired, by many disinterested Persons in the Court; and, indeed, till a Verdict was given upon the Second Indictment, Mr. Fox's Law was but slightly referred to, and was at last brought forward by Mr. Phillips himself. The Words so pregnant with Importance, and to which Mr. Phillips respectfully begs Leave to direct the Public Attention, are as follow:—

“ That, on every such Trial; the Jury sworn to try the  
 “ issue, may give a general Verdict of Guilty or Not  
 “ Guilty, upon the Whole Matter put in issue upon such  
 “ Indictment or Information, and shall not be required or  
 “ directed by the Court or Judge, before whom such Indict-  
 “ ment or Information shall be tried, to find the Defendant  
 “ or Defendants Guilty, merely on the Proof of the Publi-  
 “ cation, by such Defendant or Defendants, of the Paper  
 “ charged to be a Libel, and of the Sense ascribed to the  
 “ same in such Indictment or Information.”

Mr. Phillips thinks it unnecessary to comment upon Words so CLEARLY IN POINT and SO EMPHATICAL, he thinks they speak sufficiently clear for themselves:

Mr. Phillips, in thus addressing his Readers, on the Subject of his present Confinement, trusts, that if the Rigour of the Sentence, pronounced upon him, will admit of no Mitigation hereafter, that the Consciousness of the Purity of his Intentions, sanctioned by the kind Condolence of his Friends, and the Candid of all Parties and Descriptions, will so far operate upon his Feelings, as to mitigate the Horrors which must otherwise be unavoidably endured by one not unambitious of the Character of an active, useful, and industrious Citizen; who is keenly sensible to the tender Ties of Friendship, and every social Affection of Human Nature; but who is at present unfortunately dissevered from whatever he holds dear, by the Circumstance of his unexpected Confinement.



## LEICESTER GAOL,

SATURDAY, APRIL 27th, 1793.

**T**HE Editor would feel himself wanting in a becoming Sense of Gratitude, were he not to notice with Expressions unable to convey the Energy of his Sentiments, the **GENEROUS**, the **HUMANE**, the **PARTICULAR ATTENTIONS** of his Friends, in his present Confinement. The numerous Letters of Condolence he has received, from some of the most exalted Characters, of all Parties, in the Kingdom, he owns, with Pleasure, are an additional Source of Consolation. While he thus pays the Tribute of Acknowledgment for such unsolicited Favours, he cautions his Friends to avoid shewing any Sort of intemperate Zeal in his Behalf. He feels a Mind conscious of its own Integrity; happy in the Satisfaction resulting from this, he recommends a **SPIRIT** of **MODERATION**, in Expectation that the Award of the Public Voice will eventually exculpate him from the censorious Calumniations of the Interested or Malicious.

As the following Affidavits contain, in Substance, a Statement of the Editor's Case, he thinks it necessary to insert them, once more, in the Leicester Herald; and he only begs Leave to superadd a Circumstance, which cannot fail to have its just Weight with every candid and impartial Person, that he never read more than the First Half Dozen Pages of the "**RIGHTS OF MAN**," nor more than the Title Page of the Jockey Club!—The Facts alledged in these Affidavits he challenges any one fairly to controvert and as a Report has been circulated, by some malignant Traducers, that he gave away many Copies of these Works, he hereby offers a Reward of **FIFTY GUINEAS**, to any Person whatever, who will verify such Gift of either of these Publications, in one *single Instance*.



*The following Affidavits were solemnly made in Court, on Saturday Morning, April 13, before Sentence was passed: every Part of them remains uncontroverted, and they will pass down to Posterity as unanswerable Documents of the unparalleled Hardships of Mr. Phillips's Case.*

## LEICESTER BOROUGH COURT.

### RICHARD PHILLIPS's AFFIDAVIT.

**R**ICHARD PHILLIPS of Leicester, in the County of Leicester, Bookfeller, maketh OATH and SAITH—He is totally ignorant that the Books, for which he is now indicted, were sold to the Informant, James Jackson, and he is equally unacquainted with the Time that the said Jackson purchased them: and this Deponent further saith, that, Paine's Rights of Man Part Second, and also the Jockey Club, were advertised in the Three Leicester Papers, and that two of the other Bookfellers sold them; and he, this Deponent, verily believes they were sold without Scruple, by all the other Bookfellers in Leicester.—And this Deponent further saith, that he was entirely unacquainted with the Tendency and Contents of the several Books for which he stands indicted, and had he understood that the said Books were of a libellous or seditious Nature, he would have discontinued the Sale.

And this Deponent further saith, that, as soon as he understood the Books were libellous, which was about the Middle of December, he discontinued the Sale, removed the Books from his Shop, and expressly ordered all his Servants not to sell any more, and he, this Deponent, believes none were sold after that Time.

And this Deponent further saith that, after the Verdict given against Paine, various Applications were made for  
these

these Books, which were refused, and among others, ——— Jackson, Brother to the Informant, James Jackson, applied for a Copy of the Rights of Man, and finding this Deponent had entirely discontinued the Sale, he used various Entreaties to induce this Deponent to part with a Single Copy, but could not succeed.

And that he, this Deponent, never gave away a Single Copy, at any Time, of any of the Books of which he is indicted; that he, this Deponent, never printed any of them, nor is he, in any respect whatever, connected, either directly or indirectly, with the Authors or Publishers, or with any Party or Faction in this, or any other Country.

And that he, this Deponent, sold the Books in Question in the usual Course of his Business; and as he is ignorant that any Prosecution has, at any Time, been commenced against any Bookseller in similar Circumstances, he never supposed himself culpable, or in any respect responsible, till the Conviction of the Author and Publisher was Matter of Public Notoriety, and while he could procure them in the usual routine of Business, from his Wholesale Bookseller in London.

That he, this Deponent, previous to the Publication of Paine's Works, sold, in the Custom of his Business, a great Number of Burke's Books, (he believes more than any other Bookseller in the Country) and he sold all other Works connected with the subsequent Controversy, of which Paine's Works were called for by his Customers, as Answers to Burke.

That he, this Deponent, also sold the Answer to the Jockey Club, and has constantly exposed it at his Shop; he has also sold the various Publications recommended by Mr. Reeves's Association,—and that this Deponent has just entered

tered into Business, and having small Property, not more than sufficient to carry on his said Business, a heavy Punishment would totally ruin him; that the Business of this Deponent requires his constant personal Attendance, and Imprisonment, even for the shortest Time, will prove of the greatest Injury to him; and he hopes the Recommendation of the Jury will induce the Court to inflict the slightest Punishment possible.

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#### HENRY POPPLEWELL's AFFIDAVIT.

**H**ENRY POPPLEWELL, of Leicester, in the County of Leicester, maketh Oath, and saith, that he lives with the Defendant, Richard Phillips, in the Capacity of a Shopman, and has lived in that Station since the Month of September last; That he is well acquainted with the Retail Business of the Defendant, and that his said Master has in the Course of his Business endeavoured at all Times to accommodate his Customers, by keeping an Assortment of new Publications for the Convenience of Gentlemen of all Parties who frequented his Shop.

That none of Paine's Works were given away to any Person whatever to the best of this Deponent's Knowledge and Belief, but they were always sold at the full Price, and applied for by Customers, who, he believes, would have procured them at some one of the other Booksellers, if they had not met with such Copies as they wanted at the Shop of his said Master, which would have been very prejudicial to his said Master in his Trade.

The said Deponent well remembers, that, about the Middle of December, he received particular Orders from his said Master not to sell any more of Paine's Works, and all  
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the Copies were removed out of the Shop. Since this Time he recollects many Applications were made for Paine's Works, which were refused by him, and also by his said Master.

That Paine's Works, and other Pamphlets, came from London with the Books in the customary Parcels, and were sold in the usual way of Business, and he believes none have been sold since the Middle of December. The Answer to the Jockey Club, Protest against Paine, Burke's Reflections, Dr. Vincent's Sermons, Hey on Happiness and Rights, and other Books of a similar Tendency, he knows are always kept for Sale, and sold to his Master's Customers.

FINIS.

